(1) The Nayar Regulation Amendment Regulation.

(2) The Travancore Ezhava Regulation.

PRESIDENT: The Council will now adjourn for a quarter of an hour.

The Council adjourned at 12-37 and re-assembled at 12-52 P. M.

DEMANDS FOR SUPPLEMENTARY GRANTS.

PRESIDENT: Members of the Council, you have now before you—or will shortly have before you—demands for supplementary grants. I understand that some members feel that there has not been sufficient notice of these demands. I should like to know whether that is the general sense of the House. Will you kindly let me know, by a show of hands, whether you wish the demands to be proceeded with or postponed to the next meeting?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industry, North*): Sir, we have not correctly understood you.

PRESIDENT: There are two demands for supplementary grants on the agenda. Some of the members seem to have expressed the feeling that there has not been sufficient notice. If that is the general feeling of the House, I shall adjourn these motions to the next meeting. Before doing so, I wish to know whether, by a show of hands, the members will signify that they are willing that the demands be proceeded with now.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether, owing to the shortness of notice, we are precluded from moving amendments or raising objections?

PRESIDENT: No.

Will you kindly hold up your hands if you wish the demands to be proceeded with to-day.

The House agreed to proceed with the demands for supplementary grants.

Demand X.—Central Prison.

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Sir, I beg to move for a grant not exceeding Rs. 5,000 under Demand X—Central Prison.

This additional grant is intended to meet the increased expenditure due to the rise in the prices of provisions supplied to the Central Prison, and also for the payment of gratuity and allowance to 56 prisoners who were released in the exercise of the Royal prerogative on the Installation Day.

MR. P. K NARAYANA PILLAI (*Ambalapuzha*): May I know from the Chief Secretary the amount that is required for payment of gratuity separately, and also the amount required on account of the rise in the price of foodstuffs?

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[Mr. P. K. Narayana Pillai.]

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): The amount of gratuity is reported by the Superintendent, Central Jail, to be about Rs. 500; and the balance is to meet the rise in the price of provisions.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether any other department in the State stood in need of a supplementary grant on account of the rise in the price of provisions, during the current year?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Increased rates were allowed to contractors of other departments and not to the contractors of the Central Prison only.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether there were contractors employed for the supply of provisions to the Central Prison?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Yes, there were contractors for the supply of rice and other provisions.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): When were the contracts given?

MR. K. NARAYANAN PANDALAY (*Ag Chief Secretary to Government*): At the close of last year.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know how, if, as stated by the Chief Secretary, the contracts had been entered into during the close of last year, the rise in the price of provisions would affect the terms of such contracts?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): The contracts were entered into in the course of last year, and there was an enormous rise in the price of provisions in consequence of the floods, which sudden rise was not anticipated at all.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is that a condition in the contract itself?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): No, it is not.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know, with respect to the gratuity, whether the gratuity is proposed to be granted by estimating separately the marks for good conduct alone?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Gratuity is granted to convict warders and other officers who were prisoners, at the time of release, and is calculated at the rate of 14 chs. per mensem till the date of release. The total is calculated and the amount is paid to them at the time of release.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I wish to know whether the gratuity is ordinarily paid to convicts or to officers.

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MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : Gratuity is paid to convict officers. Long-time prisoners are appointed as officers and are paid gratuity at the time of release.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Is the gratuity paid on the basis of good conduct alone or on account of the work turned out by the convicts ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : Only convicts of good conduct are appointed as warders and other officers.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Are there rules which say that gratuity should be given on account of the industry of the convicts themselves ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : Yes ; gratuity is granted to them for particularly good conduct and particularly good work.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : On what basis is the gratuity calculated ?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : It is calculated at the rate of 14 chs. per mensem.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Under what particular rule are these people entitled to the daily rate of 14 chs.? My own information is that the gratuity ranges from half-a-chackram to two chackrams according to the class to which a particular convict belongs. This is what is stated in the old Rules 220 and 221.

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*) : The rate is 14 chs. per mensem and not a daily rate. I may require some time to point out the rule concerned. If my friend has any more questions to put to me, I am prepared to answer them in the meantime.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : I have no further questions to ask.

With respect to this demand for supplementary grant, I am sorry I have to oppose it. There are two items included in this particular supplementary grant and they may be separately dealt with for purposes of discussion. The major portion of the supplementary grant is with respect to the demand on account of the rise in the prices of articles during the current year. It was admitted, by the member in charge of this motion on the official side, that there were contractors employed for the supply of these articles and that the contracts were entered into before the commencement of this year. It was further admitted that the contracts entered into for the supply of the articles did not contain any condition which would enable the contractors or the Government to vary the terms of the contract ; so much so, that neither the contractors nor the Government are at liberty to revise the value of the articles supplied, since that had already been fixed in the contract entered into. Such being the case, if the authorities think that the contractors' claims

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[Mr. P. K. Narayana Pillai.]

should be favourably viewed by them, they would have absolutely no basis in law for such a procedure. On the other hand, may I ask the Chief Secretary whether, if, as a matter of fact, the price of articles went down, the contractors could have been requested by Government to cut down the amounts due to them? The very essence of a contract, as the learned Chief Secretary himself must know, is to fix the parties to the contract in definite positions. Why then, on the ground of an alleged rise in the prices of articles during the current year, the authorities felt the necessity of revising, in favour of this particular contractor, the provisions of the contract, is not very clear.

Then, as regards the gratuity, I referred to the old rules as I am not able to lay my fingers exactly upon the present rule. The only Section of the present Regulation which empowers the Government to enact rules for the guidance of the subsidiary concerns of the Jail is Section 59 of the Prisons Regulation. Referring to that Section of the Regulation, it may be pointed out that Government have taken the power to enact rules for a number of subsidiary matters. One of such subjects is the award of gratuities on the shortening of sentences. Under that Section, Government have framed certain rules for the purpose of introducing what is known as the remission system. Marks are awarded to various prisoners; and on obtaining a certain number of marks, there is what is known as gradation of convicts. There are prisoners of the third class, of the second class and of the first class, and from the first class, promotions are given as officers to some of these prisoners who have obtained the necessary number of marks. The award of marks is based not entirely on the question of good conduct, but also on the outturn of work of each convict in the prison. If any particular prisoner carried out the particular quantity of work that he was asked to get through, we have an ordinary case of work being done for which also he gets marks. There are also instances in which a man may work in excess of what he is asked to get through, on account of extraordinary diligence. That also is a ground on which marks may be awarded to prisoners. There are thus a number of grounds on which good marks may be given to prisoners. One of such grounds is good conduct; I do concede that. After obtaining the required number of marks, the convicts are promoted from class to class. During the time a particular convict is in a particular class, he is said to earn a gratuity which stood originally at the rate of half-a-chackram per month for a prisoner of the third class. Then as the classes go up, the rate of gratuity also rises to 2 chackrams per month. This is my recollection. There must have been some sort of revision in the rules. Therefore, the gradation of prisoners is effected by reference to the total number of marks obtained by each convict during the term that he is in prison. I ask, where is the authority for Government to grant a gratuity in favour of these particular prisoners on all these various grounds? The provision in Section 59 which empowers Government to make rewards

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is the one which relates to the award for good conduct. If it is entirely the case of good conduct, Government may claim authority for the purpose of making payments to any particular convict. But, if it is entwined with a number of other considerations, such as the quantity of work turned out by each convict and such other considerations, it is very difficult to make out what exactly is the number of marks obtained, on account of good conduct, by any particular convict. The rules, so far as I know, do not make any distinction between marks granted on account of good conduct and marks granted on account of other considerations. It is the total number of marks that forms the basis for the grant of gratuity. Such being the case, I doubt very much whether the Chief Secretary has any separate basis for claiming gratuity at this special rate in favour of the convicts concerned. Therefore, I am submitting, I have to oppose the grant demanded by the Chief Secretary, with respect to the Central Prison.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the Chief Secretary if there are no publications of the *nirak* rates from time to time?

MR. V. SUBBA AIYAR (*Nominated*) (*Deputy President*): I rise to a point of order. The Chief Secretary is not in possession of the House now. Therefore, he cannot be questioned now.

PRESIDENT: Mr. Sivathanu Pillai may put the question when the Chief Secretary is in possession of the House.

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): My friend on the other side has favoured the House with a lucid exposition of the principles regulating the grant of gratuity. According to the remission rules, these convicts are put into regular classes, and from the first class they are promoted as convict-warders, convict-overseers and other officers to do duty in the Central Prison; and according to the grades of office, they are also given gratuity calculated at the rate of fourteen chackrams per mensem. This amount is given to these convicts at the time of release. My friend put me several questions; and before answering them, I should have mentioned that the sum asked for on account of gratuity to prisoners includes not only the gratuity proper but also subsistence allowance.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Subsistence allowance is not at all made mention of in the supplementary demand; and I am placed at a disadvantage since the learned Chief Secretary did not refer to that question at all.

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Each convict who is to proceed to a distance beyond five miles from the Jail has to be given subsistence allowance, calculated at the rate of seven chackrams per diem. It is really an omission that the subsistence allowance has not been made mention of in the demand. It is from the file that I have gathered that the sum includes the subsistence allowance also.

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[Mr. K. Narayanan Pandalay.]

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know exactly the amount that is to be paid as gratuity and also the amount to be paid as subsistence allowance?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): The exact details are not now in my possession. The total amount of gratuity and subsistence allowance togther has been reported by the Jail Superintendent to be about Rs. 500.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): May I know the number of prisoners who are to be paid gratuity?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Fifty-six.

As regards the contracts, I certainly admit the soundness of the abstract proposition of law stated by my friend on the other side. But, in cases where, on account of circumstances beyond the control of the contractors, Government are satisfied that, unless they lend a helping hand, the contractors would be ruined, it has been the practice of Government in exceptional cases to allow enhanced rates to contractors.

MR. M. SUBRAHMANYA PILLAI (*Agastiswaram*): May I know when the contracts were entered into?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Towards the close of the year 1099.

MR. M. SUBRAHMANYA PILLAI (*Agastiswaram*): Before the floods?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Yes.

MR. M. SUBRAHMANYA PILLAI (*Agastiswaram*): May I know whether the rise in the price of provisions was due to the floods?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): That is the report.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know if the Government made any enquiry?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): Enquiry was made through the Jail Superintendent.

MR. M. SIVATANU PILLAI (*Tovala*): Is the enhanced rate, particularly for rice, based on the *nirak* rates of this year, or on the rates paid to the contractors of Oolamparai Hospital or of the General Hospital?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): It is not based upon the *nirak* rates nor upon the rates of any other institution.

MR. M. SIVATANU PILLAI (*Tovala*): Will the Government be pleased to place on the table the papers relating to the enquiry made by the Jail Superintendent?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Will the Chief Secretary be in a position to state on what basis the Jail Superintendent has made his report?

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MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): It is based on the market price prevailing at the time he made the recommendation.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know whether increased rates have been granted to the contractors of other departments?

MR. K. NARAYANAN PANDALAI (*Ag. Chief Secretary to Government*): In other departments, the contract rates were themselves high.

MR. M. SUBRAHMANYA PILLAI (*Agastisvaram*): May I know whether, in the Devaswom Department, revised enhanced rates were given to contractors?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): I have no information.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I would draw the attention of the learned Chief Secretary to Rule 224, which says that second class and first class convicts should be paid at the rate of 3 chackrams per mensem.

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): I refer to convict warders and my friend is referring to convicts of various classes. I refer to convict officers who are promoted as such from first class convicts.

I beg to add that the amount has already been spent out of the contingent allotment granted for the year; and there has been no mistake in the calculation.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether the entire amount has been spent out of the allotment for contingencies?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): The amount of gratuity and subsistence allowance has already been paid, and the enhanced rates to contractors have been paid for some period and have yet to be paid for a portion of the year.

Rule 291 says:—

"Every convict warder who performs his duties to the satisfaction of the Superintendent, shall be granted a gratuity at the rate of fourteen chuckrams per mensem..... The total gratuity earned shall be paid to the prisoner on release in addition to any other moneys he may be entitled to under the Rules."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Does it apply to convict-officers alone or to convicts also?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): It applies to convict warders alone.

MR. M. SUBRAHMANYA PILLAI (*Agastisvaram*): How many convict-officers are there?

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[Mr. M. Subrahmanya Pillai.]

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): I have not got the exact figures.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Does the number include the Satyagraha prisoners also?

MR. K. NARAYANAN PANDALAY (*Ag. Chief Secretary to Government*): The Satyagraha prisoners were not long-term prisoners. I am not sure they get gratuity.

I was about to say that, in regard to the contractors who, in the opinion of Government, would suffer very serious loss, if Government do not help them by slight enhancement of rates, Government, though rarely, do grant enhanced rates; and I think, contractors should, in fairness and equity, receive sympathetic treatment at the hands of Government. So far as the law on the question is concerned, I am in perfect agreement with the general principle enunciated by my friend on the other side. Government are not under any obligation whatever to pay enhanced rates and the contractors have no right to claim such rates. It is because of the equitable principle, referred to by me just now, that Government have in rare cases sanctioned enhanced rates.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I request the President to split up the demand into two items, one amounting to Rs. 500 for payment of gratuity, and the other, amounting to Rs. 4,500, for payment of enhanced rates to contractors?

PRESIDENT: Yes. I will first put to the vote of the House the demand for Rs. 500 approximately, for payment of gratuity and subsistence allowance.

The demand was put to the vote of the House and carried.

The grant was made.

The demand for Rs. 4,500 for payment of enhanced rates to contractors for the supply of provisions to the Central Prison was then put to the vote of the House and lost, 19 voting *for* and 22 *against*.

MR. K. GEORGE (*Financial Secretary to Government*): I demand a poll.

A poll was taken with the following result:

AYES—19.

1. Mr. I. C. Chacko
2. „ R. Dhanukoti Pillai
3. „ K. George
4. „ S. Gnana Joshua
5. Dr. N. Kunjan Pillai
6. Mr. K. Narayanan Pandalay
7. „ K. V. Natesa Aiyar
8. „ Kayyalam Parameśvaran Pillai
9. „ W. H. Pitt
10. Mrs. M. Poonen Lukose
11. Mr. N. Nilakanta Pillai
12. „ T. P. Ramasubba Aiyar
13. Rao Bahadur K. V. Rangaswami Aiyangar
14. Mr. S. C. H. Robinson
15. „ J. Stephenson
16. „ S. Subrahmanya Karayalar
17. „ M. Subrahmanya Pillai
18. „ V. Subba Aiyar
19. „ A. J. Van Ross

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NOES—22.

1. Mr. P. Habeeb Mahomed	12. Mr. P. K. Narayana Pillai
2. ,, A. J. John	13. ,, K. P. Nilakanta Pillai
3. ,, K. I. Joseph	14. ,, M. N. Pillai
4. ,, C. Kerala Varma Koil Tampuran	15. ,, R. Padmanabhan
5. ,, C. P. Kochukunju Pillai	16. ,, G. Paramesvaran Pillai
6. ,, A. K. Pillai	17 ,, Changanachery K. Paramesvaran Pillai
7. ,, N. Kumaran	18. ,, G. Raman Menon
8. ,, T. Kumara Pillai	19. ,, K. Sivarama Panikkar
9. ,, Tariatu Kunjitomman	20. ,, M. Sivatanu Pillai
10. ,, K. Madhavan Pillai	21. ,, C. P. Tarakan
11. ,, Kallur Narayana Pillai	22. ,, K. K. Thomas

The motion was declared lost.

Demand XXII—Miscellaneous.

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): Sir, I move for a grant not exceeding Rs. 26,133 under Demand XXII—Miscellaneous, to meet the further expenditure on account of the British Empire Exhibition. This additional demand consists of three or four different items. The major portion of it is expenditure already incurred out of the receipts collected from the sale of exhibits, and this amounts to a total of Rs. 24,045. The next item is about Rs. 2,000 to pay the port dues in Cochin, forwarding charges and other expenses on account of the exhibits that have come back. These expenses have yet to be paid to Messrs. Pierce Leslie and Co., Ltd. Then there is a small item of Rs. 89, chs. 4 to pay the pending travelling allowance bills of the non-official members of the Exhibition Committee, and there is still another item of about Rs. 43, chs. 3 and cash 11 for the customs duty paid on a complete set of slides of the Exhibition purchased in London. Thus, Sir, you will see that, of these four items, the most important is the first amounting to something like Rs. 24,045. I may point out, for the information of the House, that, when I went to Wembley, Government placed at my disposal a certain sum of money, but I found that insufficient to meet the expenditure; and with the sanction of Government, I utilised, for the expenditure, a portion of the receipts I collected by the sale of exhibits. The additional grant that is now demanded is required only for the adjustment of accounts. The expenditure has already been incurred out of the receipts.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know from Dr. Kunjan Pillai the total amount that was sanctioned by the Council towards the expenditure on account of the Exhibition?

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): I am sorry I have not got the figures with me now. If I remember correctly, the original budget provision for 1099 was Rs. 50,000; subsequently, when I was at Wembley, I believe a supplementary grant of about Rs. 31,000 was also sanctioned. I can give you correct figures for the actual expenditure which I incurred at Wembley in connection with the Exhibition.

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